

**ATTORNEY DOCKET NO. 04156.0022U1
APPLICATION NO. 10/573,864**

Remarks

Claims 1, 2, 4-6, 8, 9, 11, 13 and 14 have been amended. Claim 10 has been canceled and claim 17 added. Claims 1-9 and 11-17 are pending in the application. Reconsideration of the rejections and objections at an early date is requested.

Claims 2, 4-6, 8-11 and 13-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as its invention. Claims 2, 4-6, 8, 9, 11 and 13-14 have been amended in response to this rejection. It is submitted that the claim amendments herein overcome these rejections.

Claims 1-5 and 8-11 were rejected under 35 U.S.C. 102(b) as being anticipated by Evans, Jr. et al. (U.S. Patent No. 4,341,918). Claim 1 has been amended to specifically state that the working element is made of metal, by incorporating the limitation of former claim 10.

Applicant respectfully submits that the Examiner is incorrect in stating, in the first paragraph of page 7 of the Office Action, that Evans, Jr. et al. teaches the use of a metal material for the working element. Evans, Jr. et al. merely teaches that the cell may be made from GaAs or other IIIA-VA semiconductors and from IIB-VIA *compounds*, such as CdS. Applicant would like to point out that compounds, such as GaAs or CdS are not metals, even if the elements used in these compounds may be metals. As clearly specified by Evans, Jr. et al., GaAs is a semiconductor. A person of ordinary skill in the art further knows that CdS is a salt with ionic structure.

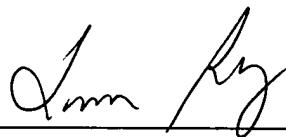
Evans, Jr. et al. clearly teaches in column 4, lines 38, et seq., that the field regions 14, which are considered by the Examiner as working elements *are of n+ and p+ material* (see also Fig. 1). A person of ordinary skill in the art would not use a metal material for these field regions 14 since this would lead to a non-functioning of the solar cell according to Evans, Jr. et al. A working element made of metal instead of the n+ or p+ field region 14 would not be able to generate a voltage as is required in a photovoltaic element.

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Therefore, it is submitted that claim 1, as amended, is not anticipated by Evans, Jr. et al., and should be allowable. In addition, claims 2-9 and 11-17, which depend from claim 1 either directly or indirectly, should also be allowed. Therefore, it is respectfully requested that the examiner should pass this application to allowance.

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

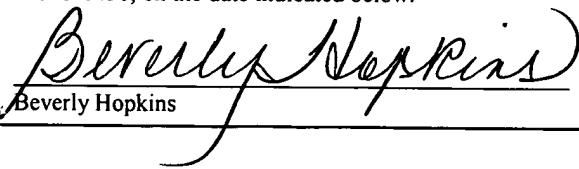


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Beverly Hopkins

9.9.08

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